

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:10-CV-00406-FL

DARA SHOFFNER,

Plaintiff,

v.

TALECRIS BIOTHERAPEUTICS, INC. and
ALDO PEREZ, *in his official and individual
capacity,*

Defendants.

ORDER ON BILL OF COSTS

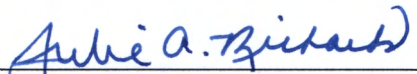
On February 16, 2012, the court granted defendants' motion for summary judgment [D.E. 43], and on February 17, 2012, judgment was entered in favor of defendants [D.E. 44]. On March 5, 2012, defendants filed a bill of costs [D.E. 45], to which no response was filed. The matter is ripe for determination.

Defendants seek \$2,201.45 in costs under Rule 54(d)(1) of the Federal Rules of Civil Procedure and Local Civil Rule 54.1 as the prevailing party in this action. See Fed. R. Civ. P. 54(d)(1) ("Unless a federal statute, these rules, or a court order provides otherwise, costs—other than attorney's fees—should be allowed to the prevailing party."). Federal courts may assess only those costs specified in 28 U.S.C. § 1920. See *Arlington Cent. Sch. Dist. Bd. of Educ. v. Murphy*, 548 U.S. 291, 301 (2006); *Crawford Fitting Co. v. J.T. Gibbons, Inc.*, 482 U.S. 437, 441-42 (1987).

This court's local rules provide that applications for costs "must be made fourteen (14) days after the entry of judgment." Local Civil Rule 54.1. Furthermore, "[t]he failure of a prevailing party to *timely* file a bill of costs *shall* constitute a waiver of any claim for costs." Local Civil Rule

54.1(a)(3) (emphasis added). Judgment was entered in this case on February 17, 2012 [D.E. 44], and any application for costs was due fourteen days thereafter, or by March 2, 2012. Defendants did not file their bill of costs until March 5, 2012 [D.E. 45]. Accordingly, defendants' application for costs was not timely filed and is summarily denied.

SO ORDERED. This 25th day of January 2013.


Julie A. Richards
Clerk of Court